
Introduced by Senator KnightFebruary 20, 2003

An act to amend Section 65302 of the Government Code, relating to planning.

LEGISLATIVE COUNSEL'S DIGEST

SB 386, as introduced, Knight. General plans.

The Planning and Zoning Law requires that a city or county general plan consist of various elements, including, but not limited to, land use, circulation, housing, open space, and conservation elements, which are required to meet specified requirements.

This bill would make a technical, nonsubstantive change to that requirement.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65302 of the Government Code is
2 amended to read:

3 65302. The general plan shall consist of a statement of
4 development policies and shall include a diagram or diagrams and
5 text setting forth objectives, principles, standards, and plan
6 proposals. The plan shall include *all of* the following elements:

7 (a) A land use element that designates the proposed general
8 distribution and general location and extent of the uses of the land
9 for housing, business, industry, open space, including agriculture,
10 natural resources, recreation, and enjoyment of scenic beauty,
11 education, public buildings and grounds, solid and liquid waste



1 disposal facilities, and other categories of public and private uses
2 of land. The land use element shall include a statement of the
3 standards of population density and building intensity
4 recommended for the various districts and other territory covered
5 by the plan. The land use element shall identify areas covered by
6 the plan which are subject to flooding and shall be reviewed
7 annually with respect to those areas. The land use element shall
8 also do both of the following:

9 (1) Designate in a land use category that provides for timber
10 production those parcels of real property zoned for timberland
11 production pursuant to the California Timberland Productivity
12 Act of 1982, Chapter 6.7 (commencing with Section 51100) of
13 Part 1 of Division 1 of Title 5.

14 (2) Consider the impact of new growth on military readiness
15 activities carried out on military bases, installations, and operating
16 and training areas, when proposing zoning ordinances or
17 designating land uses covered by the general plan for land, or other
18 territory adjacent to military facilities, or underlying designated
19 military aviation routes and airspace.

20 (A) In determining the impact of new growth on military
21 readiness activities, information provided by military facilities
22 shall be considered. Cities and counties shall address military
23 impacts based on information that the military provides.

24 (B) The following definitions govern this paragraph:

25 (i) “Military readiness activities” mean all of the following:

26 (I) Training, support, and operations that prepare the men and
27 women of the military for combat.

28 (II) Operation, maintenance, and security of any military
29 installation.

30 (III) Testing of military equipment, vehicles, weapons, and
31 sensors for proper operation or suitability for combat use.

32 (ii) “Military installation” means a base, camp, post, station,
33 yard, center, homeport facility for any ship, or other activity under
34 the jurisdiction of the United States Department of Defense as
35 defined in paragraph (1) of subsection (e) of Section 2687 of Title
36 10 of the United States Code.

37 (b) A circulation element consisting of the general location and
38 extent of existing and proposed major thoroughfares,
39 transportation routes, terminals, any military airports and ports,

1 and other local public utilities and facilities, all correlated with the
2 land use element of the plan.

3 (c) A housing element as provided in Article 10.6
4 (commencing with Section 65580).

5 (d) A conservation element for the conservation, development,
6 and utilization of natural resources including water and its
7 hydraulic force, forests, soils, rivers and other waters, harbors,
8 fisheries, wildlife, minerals, and other natural resources. The
9 conservation element shall consider the effect of development
10 within the jurisdiction, as described in the land use element, on
11 natural resources located on public lands, including military
12 installations. That portion of the conservation element including
13 waters shall be developed in coordination with any countywide
14 water agency and with all district and city agencies that have
15 developed, served, controlled or conserved water for any purpose
16 for the county or city for which the plan is prepared. Coordination
17 shall include the discussion and evaluation of any water supply and
18 demand information described in Section 65352.5, if that
19 information has been submitted by the water agency to the city or
20 county. The conservation element may also cover the following:

21 (1) The reclamation of land and waters.

22 (2) Prevention and control of the pollution of streams and other
23 waters.

24 (3) Regulation of the use of land in stream channels and other
25 areas required for the accomplishment of the conservation plan.

26 (4) Prevention, control, and correction of the erosion of soils,
27 beaches, and shores.

28 (5) Protection of watersheds.

29 (6) The location, quantity and quality of the rock, sand and
30 gravel resources.

31 (7) Flood control.

32 The conservation element shall be prepared and adopted no later
33 than December 31, 1973.

34 (e) An open-space element as provided in Article 10.5
35 (commencing with Section 65560).

36 (f) A noise element which shall identify and appraise noise
37 problems in the community. The noise element shall recognize the
38 guidelines established by the Office of Noise Control in the State
39 Department of Health Services and shall analyze and quantify, to

1 the extent practicable, as determined by the legislative body,
2 current and projected noise levels for all of the following sources:

3 (1) Highways and freeways.

4 (2) Primary arterials and major local streets.

5 (3) Passenger and freight on-line railroad operations and
6 ground rapid transit systems.

7 (4) Commercial, general aviation, heliport, helistop, and
8 military airport operations, aircraft overflights, jet engine test
9 stands, and all other ground facilities and maintenance functions
10 related to airport operation.

11 (5) Local industrial plants, including, but not limited to,
12 railroad classification yards.

13 (6) Other ground stationary noise sources, including, but not
14 limited to, military installations, identified by local agencies as
15 contributing to the community noise environment.

16 Noise contours shall be shown for all of these sources and stated
17 in terms of community noise equivalent level (CNEL) or day-night
18 average level (L_{dn}). The noise contours shall be prepared on the
19 basis of noise monitoring or following generally accepted noise
20 modeling techniques for the various sources identified in
21 paragraphs (1) to (6), inclusive.

22 The noise contours shall be used as a guide for establishing a
23 pattern of land uses in the land use element that minimizes the
24 exposure of community residents to excessive noise.

25 The noise element shall include implementation measures and
26 possible solutions that address existing and foreseeable noise
27 problems, if any. The adopted noise element shall serve as a
28 guideline for compliance with the state's noise insulation
29 standards.

30 (g) A safety element for the protection of the community from
31 any unreasonable risks associated with the effects of seismically
32 induced surface rupture, ground shaking, ground failure, tsunami,
33 seiche, and dam failure; slope instability leading to mudslides and
34 landslides; subsidence, liquefaction and other seismic hazards
35 identified pursuant to Chapter 7.8 (commencing with Section
36 2690) of the Public Resources Code, and other geologic hazards
37 known to the legislative body; flooding; and wild land and urban
38 fires. The safety element shall include mapping of known seismic
39 and other geologic hazards. It shall also address evacuation routes,
40 military installations, peakload water supply requirements, and

1 minimum road widths and clearances around structures, as those
2 items relate to identified fire and geologic hazards. Prior to the
3 periodic review of its general plan and prior to preparing or
4 revising its safety element, each city and county shall consult the
5 Division of Mines and Geology of the Department of Conservation
6 and the Office of Emergency Services for the purpose of including
7 information known by and available to the department and the
8 office required by this subdivision.

9 To the extent that a county's safety element is sufficiently
10 detailed and contains appropriate policies and programs for
11 adoption by a city, a city may adopt that portion of the county's
12 safety element that pertains to the city's planning area in
13 satisfaction of the requirement imposed by this subdivision.

14 At least 45 days prior to adoption or amendment of the safety
15 element, each county and city shall submit to the Division of Mines
16 and Geology of the Department of Conservation one copy of a
17 draft of the safety element or amendment and any technical studies
18 used for developing the safety element. The division may review
19 drafts submitted to it to determine whether they incorporate known
20 seismic and other geologic hazard information, and report its
21 findings to the planning agency within 30 days of receipt of the
22 draft of the safety element or amendment pursuant to this
23 subdivision. The legislative body shall consider the division's
24 findings prior to final adoption of the safety element or
25 amendment unless the division's findings are not available within
26 the above prescribed time limits or unless the division has
27 indicated to the city or county that the division will not review the
28 safety element. If the division's findings are not available within
29 those prescribed time limits, the legislative body may take the
30 division's findings into consideration at the time it considers future
31 amendments to the safety element. Each county and city shall
32 provide the division with a copy of its adopted safety element or
33 amendments. The division may review adopted safety elements or
34 amendments and report its findings. All findings made by the
35 division shall be advisory to the planning agency and legislative
36 body.

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